

REMARKS

Claims 1-13 were examined and reported in the Office Action. Claims 1-13 are rejected. Claims 1, 5, 7, 11 and 13 have been amended. Claims 4 and 10 have been cancelled. Claims 1-3, 5-9, and 11-13 remain.

Applicant requests reconsideration of the application in view of the following remarks.

It is asserted in the Office Action that claims 1-13 are rejected under 35 U.S.C. § 102(b), as being anticipated by U. S. Patent No. 6,157,719 issued to Wasilewski et al. ("Wasilewski"). The Examiner asserting, in the Office Action, that Wasilewski discloses that control metadata determines from the CCI whether broadcasting content can be copied, and that is indicated in the RI how long the broadcasting content can be retained being stored on a hard disk of the receiver (citing column 31, lines 13-30, and lines 48-53). In Wasilewski, flags field 1705 discloses flag (7) that indicates whether or not the right to copy an event has been purchased. Wasilewski further discloses that the contents of an event are deleted by an add/delete event EMM or receiving an ECM containing a time greater than the event end time.

Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131,

'[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Applicant notes that Wasilewski, however, does not teach, disclose or suggest that the control metadata determines from the CCI whether broadcasting content can be copied freely, copied one time only and never copied. In Wasilewski, it is only disclosed that a single flag exists to indicate whether a

viewer has purchased rights to copy content or not (Wasilewski, column 31, line 23-24 and lines 59-60). Additionally, Wasilewski does not disclose, teach or suggest that the RI indicates that a specific length of time that the broadcasting content can remain stored in a hard disk of a receiver. What Wasilewski does disclose is that start time and end time are included and a flag that indicates whether time extensions are allowed or not (column 31, lines 18-19 and lines 60-61).

Therefore, Wasilewski does not teach, disclose or suggest all of Applicant's currently amended claims 1, 7 and 13 limitations of

wherein the use control metadata include the CCI, the BF and the RI, determines from the CCI whether a broadcasting content can be copied freely, copied one time only and never copied, identifies from the BF whether the content is a broadcasting content, and indicates in the RI a length of time that the broadcasting content can remain stored in a hard disk of a receiver.

Since Wasilewski does not teach, disclose or suggest all of Applicant's amended claims 1, 7 and 13 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Wasilewski. Thus, Applicant's amended claims 1, 7 and 13 are not anticipated by Wasilewski. Additionally, the claims that directly or indirectly depend from amended claims 1 and 7, namely claims 2-3 and 5-6, and 8-9 and 11-12, respectively, are also not anticipated by Wasilewski for the same reason.

In addition to the amendments to claims 1, 7 and 13, claims 4 and 10 are canceled as the respective limitations are included in claims 1 and 7. Claims 5 and 11 are amended due to the cancelling of the respective claims that were depended on.

Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejections for claims 1-13 are respectfully requested.

In view of the foregoing, it is submitted that claims 1-3, 5-9, and 11-13 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on September 24, 2007, Applicant respectfully petitions Commissioner for a one (1) month extension of time, extending the period for response to January 24, 2008. Attached is a check in the amount of \$60 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(1) small entity. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

Dated:

1/23/08

By:


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CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class Mail, With Sufficient Postage, In An Envelope Addressed To: Mail Stop Amendments, Commissioner For Patents, P.O. Box 1450, Alexandria, VA, 22313-1450


Linda Metz

1-24-08
January 24, 2008